

\$197,500 spent on Ruiz defense

Kristin M. Kraemer, Herald staff writer

PASCO — Costs of defending Vicente Ruiz in the 1987 body shop slayings have reached nearly \$197,500 over the past 19 months, with 71 percent of that tab for attorney fees.

The tab will increase as Ruiz faces a third trial.

A summary of expenses paid by the Office of Public Defense for Benton and Franklin counties was released Monday after Ruiz's lawyers dropped efforts to block release of them.

According to Eric Hsu, indigent defense coordinator, his office has spent \$197,430.72 on the case between Jan. 1, 2009, and this past Friday.

The breakdown is: \$140,488.26 in attorney services; \$17,800.63 for experts; \$31,614.55 for investigative services; and \$7,527.28 for travel, lodging and dining.

The Tri-City Herald requested the defense costs after a second mistrial was declared in the 22-year-old case, but the defense had argued that publication could taint the Franklin County jury pool.

Once Judge Cameron Mitchell ruled last week that the next trial will be heard by an out-of-county jury, the defense conceded it no longer could "objectively oppose" release of the cost totals.

Mitchell ordered Friday that the public records be made available, adding that the public has the "right to be informed of those expenses and costs that they are also responsible for."

Hsu had been on vacation and provided the information upon his return Monday.

Ruiz, 45, is charged in Franklin County Superior Court with five counts of aggravated first-degree murder and one count of attempted first-degree murder.

Prosecutors allege he was one of two shooters to kill Misael Barajas, 21, Francisco V. Cortez, 21, Juan Antonio Lopez Garcia, 20, Eliceo Lamas, 20, and Rafael Magallon, 22.

The bodies of the young men were found Oct. 13, 1987, at Medina's Body Shop on East A Street, after the lone survivor drove to the Pasco Police Department to report the shooting.

Aldo Montes-Lamas was sheltered by a car in the shop but was hit in the stomach.

Ruiz's cousin, Pedro Mendez-Reyna, is serving a life sentence after pointing the finger at his cousin.

However, Ruiz always has maintained his innocence and claims it may have been another person, like his brother who is said to be nearly identical in appearance.

Ruiz has been in custody since September 2006 and was extradited to Pasco in 2007.

He first went on trial in 2008 on the murder charges. That ended in a mistrial when further DNA testing was requested on a straw hat in evidence.

The second trial lasted more than two months -- in part due to a lengthy jury selection process and a stay by the state Court of Appeals -- and was barely into its second week of testimony when Mitchell put it on hold. He declared a mistrial June 22 after determining the defense needed time to review police reports that were never handed over.

Ruiz is scheduled back in court today so the judge and attorneys can discuss the date and location of the third trial.

Prosecutors propose selecting jurors from a neighboring county and busing them in each trial day. The defense opposes and wants to take the trial to another county outside the Mid-Columbia.

The trial had been set to start Aug. 23 but that date likely will change with the out-of-county jury issue. The defense also is asking to delay the trial start about five months.

Ruiz has three lawyers on his case -- Bob Thompson of Pasco, Kevin Holt of Kennewick and Peter Connick of Seattle.

Thompson, as lead counsel, is paid \$120 per hour, according to Hsu. Holt and Connick are paid \$100 per hour.

"During trial, the attorneys have agreed to charge no more than what two of them would charge per full day of trial," Hsu said in an e-mail.

The lawyers are reimbursed for mileage at 50 cents per mile as federally mandated for the geographic area, lodging and food at maximum per diem rates and air travel "based on what they pay for the lowest fare" as arranged through a local travel agency, Hsu said.

Thompson has represented Ruiz since July 2007, a month after he was returned to Franklin County from Mexico.

Holt joined the defense team in March 2008 after original counsel Matt Rutt withdrew. Then in December 2008, Holt was deployed with the Army Reserves to Afghanistan.

When Holt's scheduled return from overseas in June 2009 was delayed, Thompson had to find new co-counsel for Ruiz's second trial. He contacted several attorneys on contract with Franklin and Benton counties and found they were all either unavailable or weren't interested in doing a murder case.

So he contacted Connick, who he said was familiar with the Tri-City courts because of his work on the Benton County trial and retrial of convicted killer Kevin Hilton.

That came after Judge Mitchell said two lawyers were "necessary to have the case tried properly and provide Mr. Ruiz with an adequate defense."

Holt never was officially removed from the case. So in the final months of 2009 he rejoined the defense team after he had completed active duty.

As for prosecution costs from the second trial, Prosecutor Steve Lowe said his tab was \$6,834.42 to cover travel, meals and hotels for witnesses.

Given the repeated starts and stops of the recent trial, Lowe said that figure reflects a number of rebooking fees on airline tickets, along with mileage for people who drove in to testify.

"This is a 20-some-year-old case so many of the witnesses aren't living in the area anymore," he said.

That number doesn't cover the salaries for deputy prosecutors, a victim/witness coordinator or other office staff assisting throughout the trial. Those all fall under fixed costs in Lowe's budget, which don't change depending on the case or how long it lasts. Lowe also said his office does not have overtime.

Out-of-pocket costs are paid from a victim/witness fund that is separate from the office budget. The money is paid to the county by the courts and comes from crime victim assessments and a percentage of all fines on criminal cases. It can only be used for victim services and people traveling in to testify in for cases.

Total jury costs over nine weeks were \$15,549.46 -- or \$6,209.46 in mileage and \$9,340 per diem, said jury clerk Sara Duncan.

Jurors were paid the \$10 per diem rate each business day, whether or not they were in court, because they were seated on the case and were required to remain under the court's admonishment.

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Read more: <http://www.tri-cityherald.com/2010/08/03/1116321/197500-spent-on-ruiz-defense.html#ixzz0vZKLHvCk>